

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:14-cv-00529-H**

**BIODELIVERY SCIENCES  
INTERNATIONAL, INC.,**

Plaintiff,

v.

**RECKITT BENCKISER  
PHARMACEUTICALS, INC., RB  
PHARMACEUTICALS LIMITED,  
and  
MONOSOL RX, LLC,**

Defendants.

**NOTICE OF VOLUNTARY PARTIAL DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i)**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff BioDelivery Sciences International, Inc. (“Plaintiff”) provides notice of the voluntary partial dismissal **WITHOUT PREJUDICE** of Count III of its Complaint (Declaratory judgment of non-infringement and invalidity of the ‘378 patent) in the above-captioned matter against Defendants Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC (“Defendants”).

Defendants have neither answered Plaintiff’s Complaint nor filed a motion for summary judgment. Accordingly, Count III of the Complaint may be voluntarily dismissed **WITHOUT PREJUDICE** and without a court order pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Dated: December 12, 2014

**MYERS BIGEL SIBLEY & SAJOVEC, P.A.**

By: /s/ Lynne A. Borchers

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### **CERTIFICATE OF SERVICE**

This is to certify that on December 12, 2014, a copy of the foregoing was filed electronically with the Clerk of Court using CM/ECF system and served via electronic mail on the following parties:

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